

EXHIBIT “B”

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

SUNIL KUMAR, Ph.D.,
PRAVEEN SINHA, Ph.D.,

Plaintiffs,

vs.

No. 2:22-CV-07550-
RGK-MAA

DR. JOLENE KOESTER, in her
official capacity as
Chancellor of California State
University,

Defendants.

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Zoom Videoconference
Deposition of
LAURA ANSON
Friday, August 4, 2023

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Reported By: STACY L. LOZANO, CSR No. 12831

1 document production that CSU made in this case.

2 Q. Okay. No notes or anything like that though?

3 A. No.

4 Q. Okay. Have you ever been a party to a lawsuit?

5 A. No.

6 Q. Do you know either of the plaintiffs in this
7 case, Sunil Kumar or Praveen Sinha?

8 A. No, I don't know either one.

9 Q. Did you review any documents related to their
10 tenure at CSU --

11 A. No, I didn't.

12 Q. -- for this deposition? Okay.

13 The first thing I want to show you, I'm going to
14 put it on the screen because it's not in the production.
15 And we're going to mark this as Koester 1.

16 This is the Notice of Deposition. Do you happen
17 to have that?

18 A. Yeah, uh-huh, I think so.

19 Q. Okay, great. You've seen this before, I assume?

20 A. Yes, counsel provided this to me.

21 Q. Okay. And you're aware that you're testifying
22 today as Chancellor Koester's designee, right?

23 A. Chancellor Koester, yes.

24 Q. I'm sorry, Koester. My apologies. And you
25 agreed to testify as her designee?

1 A. Yes.

2 Q. And you're aware that your testimony will be
3 binding on the Chancellor, correct?

4 A. Yes.

5 Q. Did you discuss with her your deposition in this
6 case?

7 A. No, I have not.

8 (KOESTER EXHIBIT 1 MARKED FOR IDENTIFICATION)

9 BY MR. TWERSKY:

10 Q. Have you seen the First Amended Complaint that
11 was filed by the plaintiffs in this case?

12 A. I may have seen it at one time, yes.

13 Q. Okay. I'm not going to ask you to recall
14 anything from memory. I'd like to direct your attention
15 to Schedule A in the Notice of Deposition. And, I'm
16 sorry, I don't want to keep making the same mistake. Can
17 you pronounce again just the Chancellor's name for me?

18 A. "Kester."

19 Q. Koester, okay. Thank you.

20 I may get that wrong. I'm going to try really
21 hard not to, so I apologize if I do.

22 Can you just turn to Schedule A in the Notice of
23 Deposition.

24 A. Yes. You have it on the screen, correct.

25 Q. Okay, great. I may ask you about some or all of

1 to pull up the first page.

2 A. Okay. Uh-huh.

3 Q. You tell me when you're there?

4 A. Oh, yeah. Hold on a second.

5 Q. No worries.

6 A. Okay. I think I'm there.

7 Q. Okay. I was going to explain what a Bates number
8 is, because I'm going to be calling up documents by Bates
9 number. But as you're a lawyer, I'm assuming you're
10 familiar with Bates numbering, correct?

11 A. Yep.

12 Q. Okay. I figured. Is this the current
13 non-discrimination policy that's in effect at CSU?

14 A. Yes.

15 Q. And when did it become effective?

16 A. January 1st, 2022.

17 Q. Okay. This policy was revised in the last year
18 or so; is that right?

19 A. Yes, uh-huh.

20 Q. Okay. And what was the process you used to
21 revise the policy?

22 A. A working group was formed, comprised of a number
23 of people, some in the office of general counsel, some in
24 system like human resources, some in student affairs. And
25 we -- we discussed policy revisions.

1 We also sought stakeholder feedback from a number
2 of different organizations, and reviewed that feedback and
3 incorporated some of that feedback into our policy.

4 Q. What is a stakeholder as you've just used that
5 term?

6 A. A stakeholder would be members of the CSU
7 community who would be, you know, governed by this policy.

8 Q. Okay. And can you just sort of tell me who
9 members of the CSU community governed by this policy would
10 be?

11 A. Well, the stakeholders we consulted were probably
12 20 different groups. So it was campus Title 9
13 coordinators, campus DHR coordinators, University police
14 departments, student -- vice presidents of student
15 conduct, PROVOS presidents. The campus ADPs of HR.
16 Campus ADPs of faculty affairs. The ASSA, it's a student
17 organization. And all of our labor unions.

18 Q. You said ASSA. Did you mean CSSA?

19 A. Yeah, sorry CSSA. Cal State Student Association.

20 Q. No worries.

21 A. There're probably other ones. Those are the ones
22 that I can remember, kind of, off the top of my head.

23 Q. And how is it determined which stakeholders to
24 seek input from?

25 A. Those are pretty much all of our stakeholders.

1 it has all the previous policies -- there are links to all
2 the other previous policies. You can see from that that
3 it's been revised a number of times over the years.

4 Q. Do you know if the manner in which it was revised
5 was done the way it was done this time? That is with a
6 workgroup appointed by the Universities -- or CSU?

7 A. I don't have any personal knowledge of that. I
8 would assume so, but I don't really know.

9 Q. Were you a member of the workgroup?

10 A. I was, yes.

11 Q. Who else was a member of the workgroup?

12 A. Two attorneys in the Office of General Counsel,
13 Stephen Silver, Ruth Jones, the Associate Vice Chancellor
14 of Human Resources, Tammy Kenber. The systemwide Title 9
15 officer, and that person changed during the time we were
16 working on this. Because it took us about two years to
17 revise this policy, so there was one person in that role
18 and then a new one came in. The Associate Director of
19 Title IX, Alex Pursley. And, let's see, Ray Morillo who
20 is in student affairs was in that group. I think that's
21 it.

22 Q. Okay. You'd mentioned two people. One person
23 that had sort of swapped out for another person during the
24 process. Who are those two people?

25 A. So the systemwide Title 9 officer initially who

1 was involved in this was Linda Hoos, H-o-o-s. And then
2 she left the CSU and went elsewhere, and then we hired Sue
3 McCarthy.

4 Q. Okay. Were there any --

5 A. I thought of another person.

6 Q. I'm sorry.

7 A. There was another person named Lolo Hong, who was
8 in student affairs. And then, like, Ray worked for Lolo.
9 And then Lolo also resigned from the CSU and went
10 elsewhere at some point before the completion of the
11 policy revision.

12 MR. TWERSKY: Okay. If I didn't mention this, we
13 marked this policy as Exhibit 2, right? I think I did
14 mention it, but if I didn't.

15 And the Notice of Dep is 1.

16 (KOESTER EXHIBIT 2 MARKED FOR IDENTIFICATION)

17 BY MR. TWERSKY:

18 Q. Does the workgroup still exist?

19 A. Yes. Yes, it does.

20 Q. What is the --

21 MR. MICHALOWSKI: Michael, if I can interject.
22 So the policy we are marking as Exhibit 2, so we're going
23 from CSU 582 on that one to what?

24 MR. TWERSKY: Give me one second. 582 to 671.

25 MR. MICHALOWSKI: Thanks. To 671? Oh, that

1 makes sense. That makes sense.

2 BY MR. TWERSKY:

3 Q. Okay. So, Ms. Anson, is CSU 582 to 671, is that
4 the entirety of the policy?

5 A. Yes.

6 Q. Okay. I just want to make sure we're not missing
7 anything.

8 And I think the question I asked right before
9 this was: Does the workgroup still exist? I think you
10 answered yes.

11 And my follow-up to that is, what is the
12 workgroup doing now?

13 A. Well, the workgroup has been working on revising
14 some of the attachments to the policy, right? Like if you
15 look at CSU 670, you'll see that there are a bunch of
16 attachments to the policy. And so, we've worked on, kind
17 of, updating some of those attachments.

18 We're also -- I guess you could say we're gearing
19 up for the next revision, because we know that OCR is
20 about to issue some new regulations that they've said are
21 going to be coming out in October. So we think that, you
22 know, it's obviously going to require more revisions to
23 this policy.

24 Q. Okay. Do any of the attachments in the policy
25 relate to caste?

1 A. No.

2 Q. Within the workgroup, was -- were tasks divided
3 in any way?

4 A. Yeah, I mean, sort of informally, we would kind
5 of parcel out things. Like, you know, does someone want
6 to come up with some new draft language for this, that was
7 unclear, or better language.

8 But, you know, frankly we did a lot of collective
9 wordsmithing, you know, on Zoom. We spent hours and hours
10 of agonizing meetings going over different sections of the
11 policy, and coming up with, you know, new or updated
12 language.

13 Q. Was anyone in the workgroup assigned to address
14 caste?

15 A. No.

16 Q. The Zoom meetings that you talked about, were
17 those recorded?

18 A. You mean, like video recorded? No.

19 Q. Okay. You just had the meeting and that was it?
20 That was the end of it, there was no recording of it?

21 A. There were some minutes taken, I believe.

22 Q. Okay. Who took the minutes?

23 A. I think they were taken, for the most part, by
24 Alex Pursley.

25 Q. Were those produced yet?

1 MR. MICHALOWSKI: No. Those are identified in
2 our privilege log. The communications within the
3 workgroup, which included two representatives of the
4 Office of General Counsel, are privileged. So you're
5 asking about the structure of this group and assignments,
6 that's fine, but the communications within it are
7 privileged.

8 MR. TWERSKY: So your position is discussions
9 within the group are privileged?

10 MR. MICHALOWSKI: Correct.

11 MR. TWERSKY: Okay.

12 Okay. I'm going to mark this next exhibit as 3.
13 It's CSU 12 to 14.

14 (KOESTER EXHIBIT 3 MARKED FOR IDENTIFICATION)

15 BY MR. TWERSKY:

16 Q. Just let me know when you're there.

17 A. Okay.

18 Q. This is a December 18th, 2021, email from Tammy
19 Kenber to a number of people; is that right?

20 A. Yes.

21 Q. Are these all the people in the workgroup?

22 A. They are -- you mean in the "to" section?

23 Q. The "to" and the "cc" section, because you're in
24 the cc section, so...

25 A. No. These are not -- the people in the "to"

1 Our policy and procedures must comply with both
2 federal and state laws, and there have been many numerous
3 and significant changes over the past two years, in
4 particular in both areas."

5 You agree that those were the goals of the work
6 group?

7 A. Yes.

8 Q. Okay. The next page, which is I guess CSU13, the
9 fifth bullet point notes that one of the changes to the
10 non-discrimination policy is, "Clarification that caste is
11 a subset of existing protected categories."

12 Do you see that?

13 A. Yes, I do.

14 Q. Okay. What protected category of the
15 non-discrimination policy is caste a subset of?

16 A. Race or ethnicity.

17 Q. Anything else?

18 A. No.

19 Q. Is caste related to social status?

20 MR. MICHALOWSKI: Vague. Ambiguous.

21 You can answer.

22 THE WITNESS: No, I mean caste is -- my
23 understanding of caste is that it's a system of social
24 stratification or ranking based on inherited status and
25 linked to race and ethnicity.

1 people that are classified as having common racial or
2 national or tribal, linguistic, religious, or cultural
3 origin or background.

4 So, I think race and ethnicity, sort of, overlap
5 or intersect each other. And so caste is considered to
6 just be included in that group of things that sort of
7 falls within that protected status.

8 Q. Where -- the definition that you provided of
9 caste, which is a system of social stratification or
10 ranking based on inherited status and linked to race or
11 ethnicity, that definition. Where is that located in the
12 CSU community? Where can I find that?

13 A. It is not located, I'm just telling you what the
14 CSU's general view of it is. It's not -- there is no
15 definition of it in the policy. Caste was just used as
16 a -- to illustrate another term, race and ethnicity.

17 Q. So there's nowhere in CSU that I can find that
18 definition of caste or any definition of caste; is that
19 what you're telling me?

20 A. That's what I'm telling you, yes.

21 Q. Okay. And you're aware that caste has other
22 definitions, correct?

23 A. Yeah, I think there is not one universally
24 accepted definition of caste.

25 Q. How is it determined that caste should be added

1 decided to add caste to the non-discrimination policy as a
2 subcategory of race and ethnicity.

3 Q. And is that why it's in parenthesis?

4 A. Yes.

5 Q. So the other terms that are in the parenthesis in
6 the policy, I think it's Article 2 of the policy, are
7 those also subcategories? I'm just trying to understand
8 how that works.

9 A. Yeah, I mean, there are terms that illustrate
10 what we're talking about by -- what we mean by race and
11 ethnicity.

12 So, you know, when we say race and ethnicity, the
13 things in parenthesis are intended to put people on notice
14 of, you know, the types of things we believe are included
15 within race and ethnicity.

16 Q. Okay. So if we go back to Exhibit 2, the policy,
17 on page CSU 582, Article 2.

18 A. Uh-huh.

19 Q. So, a subset of race or ethnicity is color and
20 ancestry as well as caste; is that correct?

21 A. Yes. Uh-huh.

22 Q. And a subset of gender identity is transgender?

23 A. Yes.

24 Q. Okay. Gotcha. And a subset of gender is sexual
25 stereotyping?

1 A. Yes.

2 MR. MICHALOWSKI: I'm sorry, Michael. Could you
3 ask that again?

4 BY MR. TWERSKY:

5 Q. A subset of gender is -- includes sexual
6 stereotyping?

7 A. Yes.

8 Q. Okay. I'm just trying to understand how it
9 works. There's nothing, sort of, secretive about the
10 question?

11 Were there any documents that were relied on by
12 the working group and adding caste to the
13 non-discrimination policy?

14 A. No.

15 Q. So, it was simply, sort of, anecdotal
16 information?

17 A. Well, I don't know if you call it -- I don't know
18 what the -- your definitions of anecdotal information.

19 We were hearing from CSSA, you know, student
20 groups, our CFA, the California Faculty Association. You
21 know, a labor union expressing to us that caste
22 discrimination was a real thing that they were being
23 subjected to. And we decided that we were going to take
24 that seriously and prohibit it.

25 Q. Did you also receive -- did the workgroup receive

1 A. Well, we do our best to define terms, but we
2 can't define every single term in the entire policy. It's
3 a very voluminous policy.

4 So, you know, we -- I can't say there's anything
5 in writing about we must define this and not that, it's
6 just we did our best to define key terms.

7 Q. Why were -- what was the -- well, let's just --
8 why isn't caste defined?

9 A. Well, caste is not defined because it's just used
10 to illustrate another term, other terms, race and
11 ethnicity. And we just -- we put it, you know, we put
12 caste as a subcategory of race and ethnicity just because
13 we felt that that's where it fit the best.

14 Q. And you didn't -- there was no need to -- you
15 felt no need to define it?

16 A. That's correct. I mean, as I'm sure you know,
17 there is no one universally accepted definition of caste.
18 So we just used it as a term to illustrate another -- what
19 we considered to be included within race and ethnicity.

20 Q. But some of the terms you defined have multiple
21 definitions, right?

22 A. Probably so, yes.

23 Q. So you defined those but not caste? I'm trying
24 to figure out how you distinguish caste from, for example,
25 transgender. Transgender is a parenthetical, right, in

1 A. Well, I think that's a matter of opinion.

2 Q. I'm asking you if Q1 answers the question.

3 A. I don't think it directly answers the question.

4 But it gets at the answer, which is it was -- that caste
5 was included, based on the feedback that we were hearing
6 from, you know, our students, our faculty, other groups
7 that, you know, that they're experiencing this, and that
8 -- that we wanted to do something about it so we included
9 it as a parenthetical reference under race and ethnicity.

10 Q. If I want to know what caste means, does A1
11 answer that for me?

12 MR. MICHALOWSKI: Argumentative.

13 You can answer.

14 THE WITNESS: I guess it doesn't directly answer
15 it.

16 BY MR. TWERSKY:

17 Q. Does it indirectly answer it?

18 A. I think it indirectly answers it.

19 Q. How so?

20 A. Well, it's just talking about our commitment to
21 inclusivity and respect, and making our campuses, you
22 know, places of access for opportunity and equity. Okay.

23 Caste systems treat people unequally, so we're
24 trying to do something about it.

25 Q. When the stakeholders mentioned that they wanted

1 A. Not in -- our policy is religion neutral. It's
2 not -- we don't associate caste with any specific
3 religion.

4 Q. Did the workgroup hear from people who believe
5 the policy might be harmful to them?

6 A. Before or -- yes, we did after the policy was
7 enacted, or went into effect.

8 Q. Before the policy went into effect?

9 A. No, after the policy went into effect. I don't
10 recall us hearing any in advance of the effective date
11 anybody telling us they thought it would be harmful to
12 them.

13 Q. Got it. Okay. Okay. Let's go to CSU 1217 to
14 1219. Just let me know when you're there.

15 A. Okay, I'm getting there. All right. I think I'm
16 there.

17 MR. MICHALOWSKI: Hold for me to find it as well.
18 1217?

19 MR. TWERSKY: 1217 to 1219, yep.

20 THE WITNESS: Okay, I have it.

21 MR. MICHALOWSKI: Yeah, me too. Go ahead.

22 BY MR. TWERSKY:

23 Q. Okay. This is -- we're going to mark this as
24 Koester 6. This is an April 6, 2021, letter from Tess
25 Loarie, the Chair of the Associated Students, Inc. Board

1 to direct your attention to the third whereas clause.

2 A. Okay. Let me find it.

3 Q. Just tell me when you're there.

4 A. Okay, I'm there.

5 Q. Okay. This resolution states, "There are four
6 main caste groups," and then there is a group outside the
7 caste system referred to as Dalits.

8 Do you see that?

9 A. Yes. Uh-huh.

10 Q. Are you aware that those are the historic castes
11 found in India and South Asia?

12 A. I'm generally aware of that, yes.

13 Q. Are you aware of those castes found anywhere
14 else?

15 A. No, but I am aware that there are caste systems
16 in other countries outside of India. Caste systems are
17 not exclusive to India. They're found in other countries
18 like Pakistan, Sri Lanka, Nepal, Japan.

19 Q. Does this resolution on 1218 and 1219 reference
20 any of those other caste systems you just referred to?

21 A. I don't believe so.

22 Q. It just refers to the one associated with India
23 and South Asia?

24 A. It looks like it.

25 Q. Is caste a structure of oppression in Hindu

1 information from, correct?

2 A. Yes. And we reached out to this group, I think
3 as part of the -- you know, before we put the policy in
4 effect, we had stakeholders review the policy. I think
5 this was one of the stakeholder groups.

6 Q. This resolution is similar to the last resolution
7 we looked at with regard to defining caste through four
8 main groups.

9 Do you see that in the third whereas clause?

10 A. I do see it, yes.

11 Q. And these are the groups associated with India
12 and South Asia, correct? The four main caste groups in
13 the third whereas clause which we talked about earlier?

14 A. I'm not an expert on that, but it appears to be
15 so.

16 Q. And is there a reference to any other caste
17 systems in this resolution, other than the one associated
18 with India and South Asia?

19 A. No.

20 Q. Footnote 1 on page 1296 references a website of
21 Qualitylabs.org/caste survey.

22 Do you see that?

23 A. I do.

24 Q. Are you familiar with the Equality Labs?

25 A. To be honest, I never heard of them before I

1 definition is the primary definition in the dictionary,
2 correct?

3 MR. MICHALOWSKI: Vague and ambiguous.
4 Foundation. Calls for potentially a legal conclusion and
5 opinion.

6 But you can answer.

7 THE WITNESS: What's the question again?

8 (THE COURT REPORTER READS BACK THE QUESTION)

9 BY MR. TWERSKY:

10 Q. So let me lay some foundation. Have you used a
11 dictionary before?

12 A. Yes.

13 Q. Okay. When you go to a dictionary and you see
14 multiple definitions, what do you consider the first
15 definition in the dictionary?

16 A. I consider it to be the first one listed. I -- I
17 don't necessarily consider it to be a quote, unquote,
18 "prominent" -- what did you call it, the primary?

19 Q. The primary definition? Primary?

20 A. Yeah. I don't necessarily consider that to be
21 true. I just consider it one of several definitions that
22 related to the term listed.

23 Q. Okay. And that first definition reads -- defines
24 caste as, "One of the hereditary social classes in
25 Hinduism that restricted the occupation of their members

1 and their association with members of other castes."

2 Did I read that correctly?

3 A. Yes.

4 Q. And that is not - your testimony is that's not
5 what the definition of caste is in the policy, correct?

6 A. Well, the policy does not contain a definition of
7 caste, as I've testified to earlier, as the document
8 itself reflects.

9 It is not CSU's understanding of caste that was
10 adopted for the policy. Our policy is religion neutral.
11 We don't link it to any particular religion.

12 Q. Did the workgroup look at the dictionary
13 definition of caste when considering adding it to the
14 non-discrimination policy?

15 A. I think we did, along with other definitions.

16 Q. When you don't know what the word means, do you
17 consult a dictionary?

18 A. Sometimes, yes.

19 Q. What else do you consult?

20 A. I'd say the dictionary would be the primary
21 source -- or there's other sources, you know, like, I
22 don't know, Wikipedia, or other sources of definitions.

23 Q. You consult Wikipedia before you consult a
24 dictionary?

25 MR. MICHALOWSKI: Foundation.

1 CSU 517 to 540 as Koester 13.

2 (KOESTER EXHIBIT 13 MARKED FOR IDENTIFICATION)

3 BY MR. TWERSKY:

4 Q. This is a document titled, "CSU Revised Title IX
5 and DHR Policy and Procedures."

6 Do you see that?

7 A. Yeah, uh-huh.

8 Q. It's dated January 21, 2022, correct?

9 A. Yes.

10 Q. Do you know what this document is?

11 A. I think we may have used it to for some training
12 with our campuses on what the changes to the policy were.

13 Q. As the Senior Systemwide Director for DHR
14 Whistleblower and Equal Opportunity Compliance Service, is
15 this a document that would have been in your purview in
16 that role?

17 A. Yes. I'm just not sure whether this was the
18 document we used. I mean, we did a few different
19 trainings about changes to the policy. So, yes.

20 Q. And this is dated, I think, the day after the
21 policy became effective?

22 A. Well, it says January 21st. I think it became
23 effective January 1st.

24 Q. Okay. So it -- a few weeks after the policy
25 became effective, correct?

1 Do you see that?

2 A. I do see it. I'm sorry, my phone's ringing.

3 Yes, I do see it.

4 Q. Did you want to take a break?

5 A. I'm okay.

6 Q. Okay. Just remember any time if you need to take
7 a call or you need to -- we're happy to -- I'm happy to
8 break.

9 A. Okay. No problem.

10 Q. Okay. How are claims based on race, ethnicity,
11 or national origin analyzed by the CSU?

12 MR. MICHALOWSKI: Compound.

13 You can answer.

14 THE WITNESS: Okay. So, basically, the inquiry
15 would be whether a person would be -- was subjected to an
16 adverse action based on their race or ethnicity or some
17 other protected status.

18 BY MR. TWERSKY:

19 Q. And is that procedure outlined anywhere in a
20 document?

21 A. In the policy it talks about under the -- I think
22 it's under the definition of discrimination and
23 harassment.

24 Q. When CSU analyzes claims based on race,
25 ethnicity, or national origin as set forth in -- on

1 Q. When did you come up with that definition?

2 A. It's just my general understanding of how CSU
3 views caste discrimination based on my work in the
4 workgroup.

5 Q. Well, that definition isn't in Koester 16, is it?

6 A. Is that this document? No, it's not.

7 Q. Yes. I'm sorry. Okay.

8 So is it fair to say that on -- well, let me take
9 a step back, I apologize.

10 Do you know why you asked Ms. Pursley for, "The
11 definition Ray found specifically"?

12 A. No. Honestly, I don't remember why I was asking
13 her for this.

14 Q. As of February 14th, 2022, did you have a working
15 definition of caste as used in the policy?

16 A. You mean a written definition somewhere? No, we
17 didn't. I mean, our general understanding is as I
18 previously testified to.

19 Q. Okay. But that's not what this document says.

20 So, if you look at -- if you look at this,
21 your -- if you go to 937, this is your email to
22 Ms. Pursley. It reads, "Hi, Alex. Do you know where the
23 definition of caste is that we were discussing in the
24 workgroup back in December? I think we liked the
25 definition that Ray found, although we ultimately decided

1 not to include a definition in the policy. I can't
2 remember which folder this is in. Do you happen to
3 recall? Thanks in advance, Laura."

4 Did I read that correctly?

5 A. Yep, yes.

6 Q. Okay. And Ms. Pursley says, "I'm not sure about
7 the definition Ray found specifically, but I did find the
8 following notes. Not sure if it's one of these."

9 Do you see that?

10 A. Yep. Yes.

11 Q. And your response was, "Thanks, Alex. I think
12 it's the last one. Much appreciated, Laura."

13 Do you see that?

14 A. Yes.

15 Q. Did you not know the definition of caste as of
16 February 14, 2022?

17 MR. MICHALOWSKI: Vague and ambiguous as to
18 "definition."

19 BY MR. TWERSKY:

20 Q. You can answer the question. I'm literally just
21 reading the words that are in this email. It uses the
22 word "definition."

23 A. Yeah, my understanding was as I've previously
24 testified to today.

25 Q. So then why did you need a definition from

1 Ms. Pursley?

2 A. As I think I just said, I don't recall why I was
3 asking her for this.

4 Q. Who is Ray?

5 A. Ray Morillo. She's also a member of the working
6 group.

7 Q. And this email says that you write that, "The
8 workgroup ultimately decided not to include a definition."

9 And why was that? Why did the workgroup make
10 that decision?

11 MR. MICHALOWSKI: Asked and answered.

12 You can answer again.

13 THE WITNESS: Why did the work group -- well, as
14 I previously testified, I think, there is no one
15 universally accepted definition of caste. And we included
16 it as a subcategory of race and ethnicity to try to, you
17 know, respond to the concerns that we were hearing from
18 our student body, our faculty, other members of our
19 communities, our campus communities, that this was
20 something that they were experiencing.

21 And, you know, that caste discrimination is a
22 real thing that they felt was adversely impacting their
23 educational environment, their employment environment.
24 And we decided we didn't want to tolerate it, so we
25 included it as a subcategory in -- at -- to race and

1 Q. The second is from the UC Davis policy; is that
2 correct?

3 A. It looks like it.

4 Q. Okay. And does the second definition actually
5 define caste?

6 A. I'm just trying to read it. Sorry, I've got a...

7 Q. No problem.

8 A. I have small print. You're talking about the
9 UC Davis?

10 Q. Correct.

11 A. Okay. No, it looks like they included it as a
12 sub category of national origin.

13 Q. That's different than what the workgroup
14 included, defined it as a subcategory of, correct?

15 A. Yes.

16 Q. Or included it as a subcategory?

17 A. Yeah.

18 Q. The third definition is the Merriam Webster
19 definition, which we talked about already, right?

20 A. Yes, it looks like it.

21 Q. And the fourth definition is from what looks like
22 sociologydictionary.org; is that right?

23 A. Yeah. Uh-huh.

24 Q. And then the last is from Wikipedia, correct?

25 A. It looks like it, yes.

1 Q. Were there any other definitions considered by
2 the workgroup or anyone else for what caste means under
3 the non-discrimination policy?

4 A. Not that I recall.

5 Q. Are you aware of any document that discusses what
6 the workgroup considered the definition of caste?

7 A. No.

8 Q. Did the workgroup consider academic journals when
9 looking for the definitions of the term caste?

10 A. I don't believe we did.

11 Q. Did the workgroup consult an academic journal
12 called, "Caste a Global Journal of Social Exclusion," for
13 the definition of caste in the policy?

14 A. Not that I recall.

15 Q. Are there any other definitions that the
16 workgroup considered that are not included in
17 Ms. Pursley's email that you recall?

18 A. No.

19 Q. Okay. You responded to Ms. Pursley's email that
20 you think it's the last one, the Wikipedia definition,
21 correct?

22 A. I think so.

23 Q. That's not actually the definition that we talked
24 about earlier, but that's the definition that at least you
25 thought was the one people thought was the best, at least

1 document is still complicated, because we have to comply
2 with legal and regulatory frameworks. But we were trying
3 to use more plain language, that sort of thing, when we
4 drafted this.

5 BY MR. TWERSKY:

6 Q. Did CSU conduct any surveys to determine if its
7 community understood the word caste?

8 A. Not that I know of.

9 Q. Did CSU do anything to understand -- to learn
10 whether its community understood the word caste?

11 A. No. Other than, you know, we heard from our
12 students, from our faculty, that they believed they were
13 experiencing caste discrimination. So I would assume
14 those individuals know what caste means.

15 Q. Well, how do you know those individuals all had
16 the same understanding of caste?

17 A. I don't. They may have had different
18 understandings.

19 Q. And so there was no -- the fact that -- strike
20 that.

21 So, if caste isn't defined in the policy, how is
22 the CSU community supposed to know what caste means?

23 A. Well, the term caste was used to illustrate
24 another term, race and ethnicity. And to, kind of, list
25 things that we considered to be within race and ethnicity.

1 That's where we felt caste fit best in the policy.

2 Q. But when you -- you didn't feel that the same
3 applied to transgender as a subset of gender identity?
4 Because you defined transgender.

5 A. Yeah. As I said, we did our best to define
6 terms, but we obviously didn't define every term. We
7 didn't define color or ancestry either. We didn't define
8 every single term that's used in the policy.

9 Q. Are you aware that the California Department of
10 Fair Employment and Housing sued Cisco and two of its
11 employees for alleged caste discrimination?

12 A. I'm generally aware of that litigation, yes. I
13 don't know the details of it. I know it's been going on a
14 really long time.

15 Q. Did the workgroup consider the complaint in that
16 case when deciding to add caste to the non-discrimination
17 policy?

18 A. No.

19 Q. Was Leora Freedman a member of the workgroup?

20 A. Yeah. She was kind of like an ad hoc member. I
21 mean, she didn't come to all of our meetings, but she
22 would come from time to time.

23 Q. Did Ms. Friedman or Ms. Kenber raise the CISCO
24 complaint, or the allegations in the Cisco complaint with
25 the work group?

1 CERTIFICATE OF REPORTER

2 I, STACY L. LOZANO, hereby certify that the
3 witness in the foregoing deposition was by me duly sworn
4 to tell the truth, the whole truth, and nothing but the
5 truth in the within-entitled cause;

6
7 That said deposition was taken in shorthand by
8 me, a Certified Shorthand Reporter of the State of
9 California, and was thereafter transcribed into
10 typewriting, and that the foregoing transcript constitutes
11 a full, true, and correct report of said deposition and of
12 the proceedings which took place;

13
14 That I am a disinterested person to the said
15 action.

16
17 IN WITNESS WHEREOF, I have hereunto set my hand
18 this 10th day of August, 2023.

19
20 STACY L. LOZANO
21 STACY L. LOZANO, CSR No. 12831

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